

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-publication of Notice Statement)

Amend Section 365  
Title 14, California Code of Regulations  
Re: Bear

I. Date of Statement: January 14, 2002

II. Dates and Locations of Scheduled Hearings:

- |     |                     |           |                        |
|-----|---------------------|-----------|------------------------|
| (a) | Notice Hearing:     | Date:     | February 9, 2002       |
|     |                     | Location: | Sacramento, California |
| (b) | Discussion Hearing: | Date:     | March 8, 2002          |
|     |                     | Location: | San Diego, California  |
| (c) | Discussion Hearing: | Date:     | April 5, 2002          |
|     |                     | Location: | Long Beach, California |
| (d) | Adoption Hearing:   | Date:     | April 25, 2002         |
|     |                     | Location: | Sacramento, California |

III. Description of Regulatory Action:

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

1. During each of the past five years, the bear hunting season has closed early, before the last Sunday in December. The early closure is due to regulatory language specifying that the bear season shall be closed when the department determines that 1,500 bears have been taken pursuant to the reporting requirement in Section 367. The proposed regulation change would increase number of bears reported killed to close the season early from 1,500 to 1,700.

The proposed change is intended to increase bear hunting opportunity by allowing the hunting season to continue until the last Sunday in December. This change should allow the season to continue for it's full term. The bear population has increased from

23,000 to 31,000 and the proposed change will not have a significant impact on the black bear population.

2. Currently, the bear hunting season in deer hunting X zones begins the second Saturday in October. This is later than the opening date of the general deer seasons for these areas. The proposed change would begin the bear hunting season concurrent with the general deer hunting seasons in zones X-8, X-9a, X-9b, X-10 and X-12. This change will move the bear hunting season earlier and provide additional hunting opportunity for those who wish to hunt bear and deer during the deer hunting season.
3. The proposed regulation change makes a minor editorial change to correctly reference Subsection 708(e) instead of Section 367 when referring to the bear tag reporting requirement. Section 367 is amended to move this information to the new Subsection 708(e). Currently, proposals are under consideration to implement an Automated License Data System (ALDS). If implementation of an ALDS occurs, it will be necessary to adapt administrative and procedural regulations related to big game tags immediately. The proposed change will allow modifications to the administrative procedures to occur outside of the normal Mammal Hunting and Trapping Regulation setting process and time lines.
4. The proposed regulation change clarifies language in Subsection 365(e) by deleting reference to attracting bears to a “feeding area”. The intent of the subsection is to prohibit the use of bait and attractants for bear hunting purposes. The proposed change makes the regulation more clear and understandable.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, and 203, Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, and 207, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change: None.

- (d) Identification of Reports or Documents Supporting Regulation Change:

Draft Environmental Document Regarding Bear Hunting.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

Although the proposed changes are relatively simple and few, the Department held four public meetings regarding the proposed changes as follows:

November 7, 2001 in Fresno  
November 13, 2001 in San Diego  
November 29, 2001 in Monterey  
December 13, 2001 in Sacramento

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Increase the In-Season Closure Mechanism to 2,000

This proposal would meet the intent of the proposed change for increasing hunter opportunity. While this increase would also allow the season to run full term, it may not provide a meaningful regulation. Because 2,000 bears have not been reported in recent history, this alternative could result in a meaningless regulation.

2. Eliminate the In-Season Closure Mechanism (1,500)

This proposal would increase the season length, and, therefore, provide greater hunting opportunity for some bear hunters. However, this proposal could be biologically detrimental to the black bear population if it resulted in excessive take. Over time, hunting success could be reduced coincident with reductions in the bear population.

(b) No Change Alternative:

This alternative would continue to restrict bear hunting opportunity in comparison to the proposed project.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

The statement described pursuant to Section 11346.14(b), Government Code, may be modified by information received at public meetings scheduled for March 8, 2002, in San Diego, California, and April 5, 2002, in Long Beach, California.

V. Mitigation Measures Required by Regulatory Action:

Attached are copies of the Draft Environmental Document Regarding Bear Hunting.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are meant to clarify regulations and increase hunter opportunity.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

(c) Cost Impacts on a Representative Private Person of Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4: None.

(h) Effect on Housing Costs: None.

#### INFORMATIVE DIGEST (Plain English Overview)

The proposed regulation change would increase number of bears reported killed to close the season early from 1,500 to 1,700. During each of the past five years, the bear hunting season has closed early because there have been 1,500 bears reported killed before the season extends until the last Sunday in December. This change would not impact the bear population and would provide additional hunter opportunity by allowing the season to continue until the last Sunday in December.

Currently, the bear hunting season in deer hunting X zones begins the second Saturday in October. This is later than the opening date of the general deer seasons for these areas. The proposed change would begin the bear hunting season concurrent with the general deer hunting seasons in zones X-8, X-9a, X-9b, X-10 and X-12. This change will move the bear hunting season earlier and provide additional hunting opportunity for those who wish to hunt bear and deer during the deer hunting season.

The proposed regulation change would make a minor editorial change to correctly reference Subsection 708(e) instead of Section 367 when referring to the bear tag reporting requirement. Section 367 is amended to move this information to the new Subsection 708(e). This change is for clarification and consistency in the regulations.

The proposed regulation change clarifies language in Subsection 365(e) by deleting reference to attracting bears to a "feeding area". The intent of the subsection is to prohibit the use of bait and attractants for bear hunting purposes. The proposed change makes the regulation more clear and understandable.